

REMARKS

Claims 2-8, 12, 13, 15, 16, and 21-31 are pending in the application. Applicants note with appreciation that claims 2-8, 12, 13, 15, and 16 are indicated in the Office Action to be allowed. Claims 21-31 are amended herein for clarity to more particularly define the invention. Support for these amendments can be found in the specification at least for example on page 18, line 26, through page 20, line 3. It is believed that no new matter is added by these amendments and their entry and consideration are respectfully requested. In light of these amendments and the following remarks, applicants respectfully request reconsideration of this application and allowance of the pending claims to issue.

Claim rejections under 35 U.S.C. §112, paragraph 1

The Office Action states that claims 21-31 are rejected under 35 U.S.C. §112, paragraph 1, as allegedly lacking enablement. Specifically, the Office Action states that while being enabled for a method of treating influenza, the specification does not reasonably provide enablement for treating any and all viral diseases. Applicants respectfully disagree.

Applicants traverse this rejection on the basis that the specification as filed enables the full scope of the invention as claimed prior to any amendment and reserve the option of pursuing the full scope of the claims as claimed prior to amendment in a continuation application. However, in order to expedite the prosecution of this application to allowance, claims 21-31 are amended herein to recite a method of treating influenza. Accordingly, applicants respectfully submit that this rejection is overcome and request that it be withdrawn.

The points and concerns raised in the Action having been addressed in full herein, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested. Should there be any remaining concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expedite the prosecution of this application.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

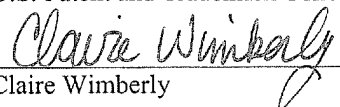


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CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 9, 2009.


Claire Wimberly